

ORIGINAL

U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

2020 JAN -8 PM 1:36

UNITED STATES OF AMERICA

NO.

DEPUTY CLERK

v.

ROBERT BURNEY CAPPS

3-20CR00008E

INDICTMENT

The Grand Jury charges:

Count One

Transporting and Shipping Child Pornography
(Violation of 18 U.S.C. § 2252A(a)(1))

On or about July 12, 2019, in the Dallas Division of the Northern District of Texas, the defendant, **Robert Burney Capps**, did knowingly transport and ship child pornography using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer. Specifically, the defendant used the Internet, an internet application, and his cellular phone to send and transmit files of minors engaged in sexually explicit conduct and the lewd and lascivious exhibition of the genitals of minors, as defined in 18 U.S.C. § 2256, including the following described image files:

File Name:	Description:
d444265ec143519d7736f315b154781f.gif	An image file depicting a minor girl holding a penis. The penis is in front of the girl's mouth.
44bd41fbce1c2333ffae1e7c604f6f34.gif	An image file depicting a minor exposing her genitals to the camera, which is the focus of the image. A female has her head near the girl's genitals.

In violation of 18 U.S.C. § 2252A(a)(1), the penalty for which is found at 18
U.S.C. § 2252A(b)(1)

Count Two
Transporting and Shipping Child Pornography
(Violation of 18 U.S.C. § 2252A(a)(1))

On or about July 21, 2019, in the Dallas Division of the Northern District of Texas, the defendant, **Robert Burney Capps**, did knowingly transport and ship child pornography using a means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer. Specifically, the defendant used the Internet, an internet application, and his cellular phone to send and transmit files of minors engaged in sexually explicit conduct and the lewd and lascivious exhibition of the genitals of minors, as defined in 18 U.S.C. § 2256, including the following described image file:

File Name	Description
1a0b70ba4359e20dc417772e396a3b06 (1).gif	An image file depicting a penis in front of the mouth of a minor female.
iOS_image_upload (4).gif	An image file depicting a nude minor girl with ropes tied around her arms and a blind fold over her eyes. A dog is placing its head near the girl's genitals.

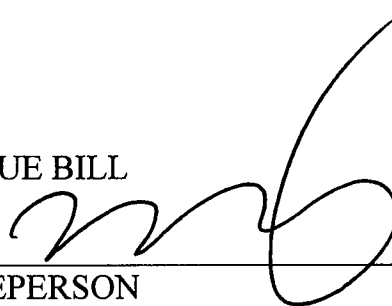
In violation of 18 U.S.C. § 2252A(a)(1), the penalty for which is found at 18 U.S.C. § 2252A(b)(1).

Forfeiture Notice
(18 U.S.C. § 2253)

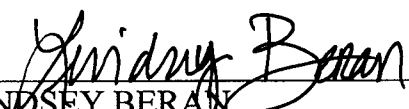
Upon conviction of either offense alleged in Counts One and Two and pursuant to 18 U.S.C. § 2253(a), the defendant, **Robert Burney Capps**, shall forfeit to the United States of America: (a) any visual depiction described in 18 U.S.C. §§ 2252A, and 2252, and any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in the respective offense; (b) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the respective offense; and (c) any property, real or personal, used or intended to be used to commit or to promote the commission of the respective offense and any property traceable to such property. The above-referenced property subject to forfeiture from the defendant includes, but is not limited to, any interest in the following: one Apple iPhone X, International Mobile Equipment Identity (IMEI): 356166098609448; and one Apple MacBook Pro, serial number C02HXA39DKQ5.

A TRUE BILL

FOREPERSON

A large, stylized handwritten signature in black ink, appearing to be 'mb', written over a horizontal line.

ERIN NEALY COX
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to be 'Lindsey Beran', written over a horizontal line.

LINDSEY BERAN
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

THE UNITED STATES OF AMERICA

v.

ROBERT BURNEY CAPPS

INDICTMENT

18 U.S.C. § 2252A(a)(1)
Transporting and Shipping Child Pornography
(Counts 1, 2)

18 U.S.C. § 2253
Forfeiture Notice

2 Counts

A true bill rendered

DALLAS



FOREPERSON

Filed in open court this 8th day of January, 2020.

Warrant to be Issued


UNITED STATES MAGISTRATE JUDGE
No Criminal Matter Pending